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(702) 949-8200  
(702) 216-6206 (fax)

Attorneys for Defendant Airport Terminal Services, Inc.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ANITA O'BRIEN, an individual,

Plaintiff,

vs.

AIRPORT TERMINAL SERVICES, INC., a  
foreign corporation; ROES and DOES I-X,  
inclusive,

Defendants.

**NOTICE OF REMOVAL  
OF ACTION**

Defendant, AIRPORT TERMINAL SERVICES, INC. ("ATS"), through its counsel, Lewis and Roca LLP, files this Notice of Removal from the Eighth Judicial District Court for Clark County, Nevada ("State Court"), to this Court for the proceeding entitled "ANITA O'BRIEN, an individual, Plaintiff, v. AIRPORT TERMINAL SERVICES, INC., a foreign corporation; ROES and DOES I-X, inclusive, Defendants," and assigned Case No. A58344 in Department XXIV, in accordance with 28 U.S.C. §§ 1441 and 1446, on the following grounds:

1. The removing party is the Defendant in the above-styled action.
2. On or about February 24, 2009, Plaintiff filed this action in the Eighth Judicial District Court for Clark County, Nevada. Plaintiff served ATS with the Complaint on or about March 2, 2009. A copy of all pleadings and papers served and filed in the aforementioned state court action is attached to this Notice of Removal as Exhibit No. A.

///

1           3.       Plaintiff's Complaint alleges violations of Title VII of the Civil Rights Act of 1964  
2       codified at § 29 U.S.C. § 2601, *et seq.*

3           4.       This Court has Federal Question jurisdiction over this action pursuant to 28 U.S.C.  
4       § 1331, which provides as follows:

5                   The district courts shall have original jurisdiction of all civil  
6                   actions arising under the Constitution, laws, or treaties of the  
7                   United States.

8           5.       Plaintiff's action arises under a law of the United States (i.e., Title VII of the Civil  
9       Rights Act of 1964). Additionally, the Court has supplemental jurisdiction over Plaintiff's  
10      remaining state law claims under 28 U.S.C. § 1367. Thus, removal is proper, as the case is within  
11      the Court's original jurisdiction.

12          6.       This cause became removable on or about March 2, 2009 when Defendant was  
13      served with the Complaint. Thirty days have not yet expired since the action which forms the  
14      subject matter thereof became removable to this Court. Defendant has not filed any pleadings in  
15      this matter, or taken any action whatsoever since the cause herein became removable, except to  
16      file this Notice of Removal.

17          7.       Venue is proper in the District of Nevada in that the State Court action is pending  
18      within the jurisdictional confines of this District.

19               WHEREFORE, Defendant requests that further proceedings in the Eighth Judicial District  
20      Court for Clark County, Nevada, in Case No. A583444 Dept. XXVI be discontinued, and that this  
21      action be removed to the United States District Court for the District of Nevada.

22      DATED this 1<sup>st</sup> day of April, 2009.

LEWIS AND ROCA LLP

23                   BY: /s/Suzanne L. Martin

24                   SUZANNE L. MARTIN, ESQ.

Nevada Bar No. 8833

25                   smartin@lrlaw.com

LEWIS AND ROCA LLP

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Las Vegas, NV 89169

27                   (702) 949-8200

28                   (702) 216-6206 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2009, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

Pursuant to Nev. R. Civ. P. 5(b), I hereby further certify that service of **NOTICE OF REMOVAL OF ACTION** was made this date by depositing a copy for mailing, first-class mail, postage prepaid, to the following:

Sharon L. Nelson, Esq.  
Nelson Law  
401 N. Buffalo, Suite 210  
Las Vegas, Nevada 89145  
Attorney for Plaintiff

DATED this 1<sup>st</sup> day of April, 2009.

/s/Laura Sliwinski  
An Employee of Lewis and Roca LLP

**EXHIBIT A**



**Service of Process  
Transmittal**

03/02/2009

CT Log Number 514513740



**TO:** Paul Wappelhorst, Vice President/Finance  
Airport Terminal Services, Inc.  
111 Westport Plz, Ste. 400  
Saint Louis, MO 63146-3014

**RE:** Process Served in Nevada

**FOR:** Airport Terminal Services, Inc. (Domestic State: MO)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Anita O'Brien, etc., Pltf. vs. Airport Terminal Services, Inc. etc., et al., Dfts.  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** Summons, Complaint, Demand For Jury Trial

**COURT/AGENCY:** District Court, Clark County, Nevada, Clark, NV  
Case # A583444

**NATURE OF ACTION:** Employee Litigation - Wrongful Termination - Seeks damages regarding charge file  
with EEOC on or about December 2008 regarding gender discrimination

**ON WHOM PROCESS WAS SERVED:** The Corporation Trust Company of Nevada, Reno, NV

**DATE AND HOUR OF SERVICE:** By Process Server on 03/02/2009 at 14:35

**APPEARANCE OR ANSWER DUE:** Within 20 days, exclusive of day of service

**ATTORNEY(S) / SENDER(S):** Sharon L. Nelson  
401 N. Buffalo  
Suite 210  
Las Vegas, NV 89145  
702-247-4529

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex Priority Overnight , 798088297141

**SIGNED:** The Corporation Trust Company of Nevada

**ADDRESS:** 6100 Neil Road  
Suite 500  
Reno, NV 89511

**TELEPHONE:** 775-688-3061

Page 1 of 1 / FM

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

775-688-3061

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

ANITA O'BRIEN, an individual;

Plaintiff,

vs.

AIRPORT TERMINAL SERVICES, INC. a  
foreign corporation; ROES and DOES I-X,  
inclusive,

Defendants.

CASE NO.:

DEPT NO.:

2:35  
3-2-09  
A 583444

XXIV

**SUMMONS**

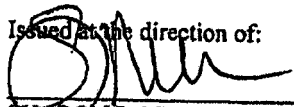
**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT:** A civil Complaint has been filed by the Plaintiff against you for the relief set forth in the Complaint.

**AIRPORT TERMINAL SERVICES, INC.  
c/o The Corporation Trust Co. of Nevada  
6100 Neil Road, Suite 500  
Reno, Nevada 89511**

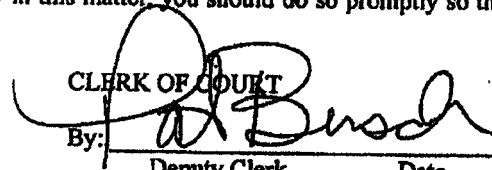
1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:
  - a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.
  - b. Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at the direction of:

  
SHARON L. NELSON, ESQ.  
Nevada Bar No. 006433  
401 N. Buffalo, Suite 210  
Las Vegas, Nevada 89145  
(702) 247-4529

CLERK OF COURT

By:

  
Deputy Clerk Date  
County Courthouse  
200 Lewis Avenue  
Las Vegas, Nevada 89101

m/o

COPY

FILED

2009 FEB 24 P 4: 59

*Ed. [Signature]*  
CLERK OF THE COURT

1 COMP

2 SHARON L. NELSON

3 Nevada Bar No. 006433

4 NELSON LAW

5 401 N. Buffalo, Suite 210

6 Telephone No.: (702) 247-4LAW

7 Facsimile No.: (702) 737-4LAW

8 Las Vegas, Nevada 89145

9 Attorneys for Plaintiff,

10 Anita O'Brien

DISTRICT COURT

CLARK COUNTY, NEVADA

11 ANITA O'BRIEN, an individual;

12 Plaintiff,

13 vs.

14 AIRPORT TERMINAL SERVICES, INC. a  
15 foreign corporation; ROES and DOES I-X,  
16 inclusive,

17 Defendants.

Case No:

Dept. No:

A 583444

XXIV

PLAINTIFF'S COMPLAINT  
AGAINST DEFENDANT

(EXEMPT FROM ARBITRATION-  
DECLARATORY/INJUNCTIVE RELIEF  
REQUESTED)

18 Plaintiff Anita O'Brien (hereinafter referred to as "Plaintiff"), by and through her attorney  
19 Sharon L. Nelson., hereby alleges and complains against Airport Terminal Services, Inc.  
20 (hereinafter referred to as "Defendant"), as follows:

21 GENERAL ALLEGATIONS

22 1. That at all times relevant herein, Plaintiff has been a resident of Clark County, State  
23 of Nevada.

24 2. That at all times relevant herein, Defendant has been a resident of Clark County,  
25 State of Nevada, operating and licensed to operate a business in Clark County, State of Nevada.

26 3. That all incidents giving rise to this suit occurred in Clark County, State of Nevada.  
27  
28

1           4.     That at all times relevant herein, Plaintiff was employed by Defendant as an HR  
2 Generalist.

3           5.     Plaintiff was terminated in November of 2008 because Defendant alleged she could  
4 not get along with co-workers.

5           6.     The true names and capacities, whether individual, corporate or other business  
6 entity, of Defendants DOES I-X and ROE corporation I-X are unknown to Plaintiff. Plaintiff is  
7 informed and believes and therefore alleges that the Defendant designated herein DOES I-X and  
8 ROE corporation I-X were responsible in some manner for the events and happenings herein  
9 referred to and carelessly, recklessly, willfully, and/or wantonly caused damages proximately  
10 thereby to the Plaintiff as alleged herein. Plaintiff will petition this Court to amend this Complaint  
11 to insert the true names of each party designated as Doe and/or Roe Defendant when said parties are  
12 ascertained.  
13

14           7.     During the course of Plaintiff's employment and continuing through the date of  
15 Plaintiff's termination, Plaintiff was treated in a disparate manner and differently than similarly  
16 situated males.  
17

18           8.     For example, Plaintiff's male supervisor told her to quit being a "drama queen;"  
19 refusing to provide feedback on employee relation issues; refusing to provide answers to concerns  
20 raised in employee meetings; refusing to communicate with Plaintiff regarding terminations and  
21 other issues; leaving Plaintiff at meeting locations (after transporting her there).  
22

23           9.     As a result of this disparate treatment, Plaintiff and other female employees lost the  
24 opportunity to advance or further their careers and were foreclosed from participating in business  
25 discussions, plans and other ventures in which males were allowed to participate.  
26

27           10.    Plaintiff filed a charge with the EEOC in December of 2008.  
28



1 11. Plaintiff received her Right to Sue in February of 2009 and thus has satisfied all  
2 administrative prerequisites.

3 **FIRST CAUSE OF ACTION**

4 (Gender Discrimination in Violation of Title VII and NRS 613.330)

5 12. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1-11 by this  
6 reference the same as though fully set forth herein.

7 13. As a female, Plaintiff is a member of a protected class.

8 14. Plaintiff had the qualifications necessary to adequately perform for her job duties.

9 15. Plaintiff was performing her job duties according to her employer's legitimate  
10 expectations.

11 16. Plaintiff did not receive treatment, promotions or work hours in the same or similar  
12 manner that her male co-workers received them.

13 17. Plaintiff was treated differently because of her gender.

14 18. As a result of Defendant's conduct, Plaintiff is entitled damages in an amount in  
15 excess of \$10,000.00.

16 19. Additionally, the conduct of Defendant has been malicious, fraudulent and  
17 oppressive and was designed to vex, annoy or harass Plaintiff and thus Plaintiff is entitled to  
18 punitive damages.

19 **SECOND CAUSE OF ACTION**

20 (Retaliation in Violation of Title VII and NRS 613.330)

21 20. Plaintiff repeats and re-alleges paragraphs 1-19 by this reference the same as though  
22 fully set forth herein.

23 21. Plaintiff complained to her employer about sexual harassment and gender  
24 discrimination in writing in November of 2008.

1 22. After Plaintiff's complaints, within less than a week, she was terminated.

2 23. The adverse conduct in which Defendant and its employees engaged towards  
3 Plaintiff was a direct result of her complaints.

4 24. The treatment to which Plaintiff was subjected was retaliatory in violation of Title  
5 VII and NRS 613.330.

6 25. Plaintiff has suffered and will continue to suffer irreparable injury caused by the  
7 conduct of Defendant and its employees.

8 26. As a direct and proximate result of the conduct of Defendant and its employees,  
9 Plaintiff has been damaged in a sum in excess of \$10,000.00.

10 27. Additionally, the conduct of Defendant and its employees has been malicious,  
11 fraudulent and oppressive and was designed to vex, annoy or harass Plaintiff and thus Plaintiff is  
12 entitled to punitive damages with respect to her Title VII claim.

13  
14  
15  
16 **THIRD CAUSE OF ACTION**

17 **(Intentional Infliction of Emotional Distress)**

18 28. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1-26 by this  
19 reference the same as though fully set forth herein.

20 29. Defendant's above described behavior towards Plaintiff was intentional, extreme and  
21 outrageous and has caused Plaintiff severe emotional distress.

22 30. The actions of Defendant were outrageous and intentional and done with malice and  
23 reckless disregard of the likelihood of causing Plaintiff to suffer severe emotional distress.

24 31. As a result, Plaintiff was subjected to fear, shock, fright, anxiety and humiliation and  
25 other forms of emotional distress.  
26  
27  
28

1       32. As a direct and proximate result of the intentional infliction of emotional distressful  
2 acts of Defendant, Plaintiff has experienced severe emotional distress and is entitled to damages in  
3 excess of \$10,000.00.

4  
5       33. Additionally, the conduct of Defendant has been malicious, fraudulent and  
6 oppressive and was designed to vex, annoy or harass Plaintiff and thus Plaintiff is entitled to  
7 punitive damages.

8  
9                   **FOURTH CAUSE OF ACTION**  
10                   **(Negligent Infliction of Emotional Distress)**

11       34. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1-33 by this  
12 reference the same as though fully set forth herein.

13       35. Defendant owed a duty to Plaintiff to use reasonable and prudent care to avoid  
14 extreme and outrageous conduct that would cause Plaintiff emotional distress.

15       36. Defendant and its agents, servants and employees breached this duty to Plaintiff.

16  
17       37. As a direct and foreseeable result of Defendant and its agents, servants and  
18 employees' breach, Plaintiff has suffered severe emotional distress and has incurred and will  
19 continue to incur emotional and physical pain, suffering, and distress, and the costs of health care.

20       38. Plaintiff's claims herein, did not arise from the course and scope of her employment  
21 because there is no causal connection between Plaintiff's complained of injuries and the nature of  
22 her work while employed by Defendant.

23  
24       39. As a result of Defendant's conduct, Plaintiff is entitled damages in an amount in  
25 excess of \$10,000.00.

26 //

27 //

**FIFTH CAUSE OF ACTION**  
**(Negligent Hiring, Training and Supervision)**

40. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1-39 by this reference the same as though fully set forth herein.

41. Defendant has a duty to properly hire, train and supervise its employees.

42. Defendant's duty to properly hire, train and supervise extends to all persons, including Plaintiff, in its employ.

43. Defendant failed to properly hire, train and supervise its agents, servants or employees herein.

44. As a direct and proximate result of the breach of said duty, Defendant's agents, servants or employees' conduct against Plaintiff unlawfully and willfully subjected Plaintiff to discriminatory treatment and retaliation in violation of Federal Law.

45. As a result of Defendant's conduct, Plaintiff is entitled damages in an amount in excess of \$10,000.00.

**SIXTH CAUSE OF ACTION**  
**(Injunctive and Declaratory Relief)**

46. Plaintiff incorporates paragraphs 1-45 by this reference the same as though fully set forth herein.

47. Defendant's continued violations of the State and Federal Constitutions require equitable relief to prevent further harm.

48. Plaintiff requests that Defendant be enjoined from any further violations of the Constitution or her civil rights.

49. Furthermore, Plaintiff requests that this Court declare Defendant's conduct violative of the laws identified in this Complaint and declare Defendant's conduct a violation of state and federal law.

1 WHEREFORE, Plaintiff prays for judgment in her favor against Defendant as follows:

- 2 (1) For general damages for injury, pain and suffering;
- 3 (2) For special damages;
- 4 (3) For wages, salary, employment benefits and other compensation denied or lost in an
- 5 amount according to proof;
- 6 (4) For interest calculated at the prevailing rate;
- 7 (5) For liquidated damages if appropriate;
- 8 (6) For equitable relief;
- 9 (7) For punitive and exemplary damages on claims warranting such damages;
- 10 (8) Reasonable attorney's fees and cost of suit incurred herein;
- 11 (9) For such other and further relief as the Court deems just and
- 12 proper.
- 13
- 14

15 DATED this 23 day of February 2009.

16

17 NELSON LAW

18 

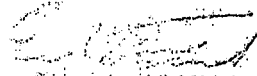
19 SHARON L. NELSON  
20 Nevada Bar No. 006433  
21 401 N. Buffalo, Suite 210  
22 Las Vegas, Nevada 89145  
23 Attorneys for Plaintiff  
24  
25  
26  
27  
28

COPY

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Facsimile: (702) 737-4529  
Attorneys for Plaintiff,  
Anita O'Brien

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CLERK OF DISTRICT COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

ANITA O'BRIEN, an individual;  
Plaintiff,  
vs.

CASE NO.:

A58344,4

DEPT NO.:

XXIV

AIRPORT TERMINAL SERVICES, INC. a  
foreign corporation; ROES and DOES I-X,  
inclusive,

PLAINTIFF'S DEMAND FOR JURY TRIAL

Defendants.

Plaintiff Anita O'Brien by and through her counsel, Nelson Law, hereby demands trial of this  
matter by jury.

DATED this 23 day of February 2009.

NELSON LAW



SHARON L. NELSON  
Nevada Bar No. 6433  
401 N. Buffalo, Suite 210  
Las Vegas, Nevada 89145  
Attorneys for Plaintiff